

8.11.00.00 - TRANSVERSE INSTALLATION OF PRIVATE IRRIGATION FACILITIES WITHIN FREEWAY RIGHT OF WAY

8.11.01.00 General

Whenever a partial acquisition severs grantor's property and it is necessary to maintain irrigation facilities to permit operation of the remaining lands on each side of the freeway, procedures set forth in the following paragraphs apply.

8.11.02.00 Classification of Crossings

Type "A" consists of pipeline facilities of 305 mm in diameter or less and all high-pressure pipelines.

Type "B" consists of pipeline facilities in excess of 305 mm in diameter and low pressure pipelines.

Type "C" consists of open irrigation ditches which are converted to a pipeline facility to be installed transversely within the freeway right of way.

8.11.02.01 Type "A"

A reservation will be made in the conveyance to the State on behalf of the grantor which will permit the installation and maintenance of privately owned irrigation facility within a State-owned conduit. The conduit will traverse the full width of the controlled access right of way (less than full width of the right of way will be permitted in special cases). It will remain the property of the State with the obligation to maintain and replace. The State shall not be liable for any betterments, changes or alterations in the conduit made by, or at the request of the grantor for the grantor's benefit.

The State shall install the required irrigation pipeline within the conduit at State expense; however, the irrigation pipeline shall become the property of the grantor and it will be the grantor's obligation to repair and replace the subject pipeline. This right to maintain and repair facilities existing within the conduit is limited to performing such maintenance and repair from outside the freeway right of way. The grantor shall have no right to traverse or use the freeway right of way for maintenance or repair of these facilities, except where the conduit does not extend to the freeway right of way. In those cases, an encroachment permit shall be granted to the grantor to provide for maintenance and repair between the freeway right of way and the conduit.

A condition covering this situation shall be included in the Contract.

The Contract clause to be used in cases of Type "A" pipelines is as follows:

"At no expense to the grantor, and at the time of construction, furnish and install (type, size of pipeline) under and across the roadbed at Engineer's Station _____. Grantor understands and agrees that, upon the completion of said work of installation, said (pipeline) shall become the property of the grantor and it will be the grantor's obligation thereafter to maintain and repair said (pipeline).

It is understood that at no expense to the grantor, the State shall install across the roadbed at Engineer's Station _____ a conduit within which the above-mentioned pipeline shall be installed. It will be the State's obligation to maintain and repair the conduit.

In no event shall the State be liable for any betterments, changes or alterations in the conduit made by or at the request of the grantor for grantor's benefit."

8.11.02.02 Type "B"

A reservation will be made on behalf of the grantor in the conveying deed which will permit the installation and maintenance of privately owned underground irrigation facility within the State highway right of way. The State shall install a conduit within the right of way area reserved to the grantor for the full width of the controlled access right of way (less than full width of the right of way will be permitted in special cases). The conduit will be the property of the grantor with the obligation on the grantor to maintain and replace the conduit.

The portion of the conduit within the highway right of way shall have a diameter 152 mm greater than the diameter of the pipe required. This will permit the grantor, at a later date, in the event a replacement is necessary, to pull in a pipe of sufficient size to replace the existing facility.

The grantor's right to maintain and repair the facilities existing within the State right of way is

limited to performing such maintenance and repair from outside the freeway right of way. In no instance shall the grantor have the right to traverse or use the freeway right of way for maintenance or repair of the facilities except in those cases where the conduit has additional diameter and does not extend to the freeway right of way. Then, an encroachment permit shall be issued to the grantor to provide for maintenance and repair of these facilities between the freeway right of way and the oversize conduit. A condition covering this situation shall be included in the Contract. The Contract will include the following clause in the case of Type "B" and "C" pipeline crossings:

"At no expense to the grantor, and at the time of construction, furnish and install (type, size of conduit) under and across the roadbed at

Engineer's Station _____. Grantor understands and agrees that, upon the completion of said work of installation, said (conduit) shall become the property of the grantor and will be the grantor's obligation thereafter to maintain and repair said (conduit)."

8.11.02.03 Type "C"

All requirements listed under Type "B" facilities apply to Type "C". The Contract will include the clause in Section 8.11.02.00. Also, the following requirements apply to Type "C". The Contract will provide that the grantor shall keep the irrigation pipeline, placed within the freeway right of way, free and clear from obstructions, debris and other substances, so as to ensure the free passage of water in the pipe.